

EXHIBIT

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**MINUTES OF MEETING
WAYNE COUNTY BOARD OF CANVASSERS
FRIDAY, SEPTEMBER 4, 2020 – 8:30 A.M.
SUMPTER TWP. COMMUNITY CENTER GYNASIMUM
23501 SUMPTER RD., BELLEVILLE, MI 48111**

Call to Order: Chair Monica Palmer, Wayne County Board of Canvassers called the meeting to order at 9:11 A.M.

Members present: Monica Palmer, Chair
Jonathan C. Kinloch, Vice-Chair
William C. Hartmann, Member
Allen Wilson, Member

Members absent: None.

Also present: Gregory Mahar, Director, Wayne County Elections
Jennifer Redmond, Deputy Director, Wayne County Elections
Nkrumah Johnson-Wynn, Corporation Counsel
Libby Busdicker, Corporation Counsel
Enjoli Conley, Administrative Assistant, Wayne County Elections
James C. Clark
Toni Clark
Ronald Barrington Robinson
David Hartford
Nelson Po
Sheena Barnes
Peggy Morgan
Kevin Elias
John W. Morgan
Karen Armatís
Rosemary Oztzman
Mary Sherwood
Shane Anders

Agenda item: **Consideration of Agenda approval.**

Board action on agenda item: Chair Palmer requested a motion to adopt the agenda as presented. Vice-Chair Kinloch, duly supported by Member Hartmann moved to adopt the agenda as presented. The motion was adopted unanimously by a voice vote.

Agenda item: Recount – Office of Supervisor (Democratic), Sumpter Township

Chair Palmer asked for a staff report. Deputy Director Jennifer Redmond indicated that a request for recount was filed by Nelson Po for a recount of the votes cast for the Office of Supervisor – Democratic Party for the Township of Sumpter. She indicated that the Board met on September 2, 2020 to consider the petition for recount and the request was granted. Ms. Redmond indicated that the petition was for a recount of 9 precincts, three (3) Election Day precincts and six (6) absentee counting board precincts within Sumpter Township. She advised that the Ballot Containers are available, the Board's assistants are present, and they are ready to proceed with conducting the recount. Director Gregory Mahar stated that all candidates, observers, and challengers have been advised of the recount procedures and the rules for conducting the recount.

Board action on agenda item: Chair Palmer requested a motion to authorize the commencement of the recount. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to authorize the start of the recount for the Office of Supervisor for the Democratic Party for Sumpter Township. The motion was adopted unanimously by a voice vote.

****Meeting recessed at 9:16 a.m. to commence recount****

****Meeting resumed at 1:06 p.m. ****

Agenda item: Review of Challenges – Office of Supervisor (Democratic) Sumpter Township

Chair Palmer requested a report regarding the recount. Deputy Director Redmond indicated that staff had concluded the recount for the Office of Supervisor, Sumpter Township. She advised that all precincts were recounted and that no challenges were filed. She presented the Board with the Recount Statement of Precincts and the Recount Calculation Worksheet for their review.

Chair Palmer read the following recount results into the record:

Candidate	Certified Results	Recount Results
Antoine Jordan	150	150
Denise Komora	176	177
Nelson Po	582	594
John W. Morgan	238	237

Agenda item: Recount Certification – Office of Supervisor (Democratic), Township of Sumpter

Board action on agenda item: Chair Palmer requested a motion for certification of the recount results as read into the record. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to certify the recount results for the Office of Supervisor for the Democratic Party for the Township of Sumpter. The motion was adopted unanimously by a voice vote.

Agenda item: Recount – Office of Prosecuting Attorney (Republican), Wayne County

Chair Palmer asked for a staff report. Deputy Director Jennifer Redmond indicated that a request for recount was filed by Write-in candidate Shane Anders for the Office of Prosecuting Attorney – Republican Party, Wayne County. She indicated that the Board met on September 2, 2020 to consider the petition for recount and the request was granted. Ms. Redmond indicated that the petition was for a recount of 4 precincts, one (1) Election Day precinct and one (1) absentee precinct in the City of Dearborn and one (1) Election Day precinct and one (1) absentee precinct in Plymouth Township. She advised that the Ballot Containers are available, the Board's assistants are present, and they are ready to proceed with conducting the recount.

Board action on agenda item: Chair Palmer requested a motion to authorize the commencement of the recount for the Office of Prosecuting Attorney. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to authorize the start of the recount for the Office of Prosecuting Attorney, Republican Party. The motion was adopted unanimously by a voice vote.

****Meeting recessed at 1:12 p.m. to commence recount****

****Meeting resumed at 2:56 p.m. ****

Members present: Monica Palmer, Chair
Jonathan C. Kinloch, Vice-Chair
William C. Hartmann, Member

Members absent: Allen Wilson, Member (excused)

Ms. Redmond indicated that Member Wilson had to leave early and he asked to be excused.

Agenda item: Review of Challenges – Office of Prosecuting Attorney (Republican), Wayne County

Chair Palmer requested a staff report. Ms. Redmond indicated that there were challenges filed during the recount and Corporation Counsel has challenges for the Board's review.

Nkrumah Johnson-Wynn, Corporation Counsel presented to the Board three (3) challenges that were filed by candidate Shane Anders.

Challenge #1 – “Conduct consecutive counts”

Team Decision – The recount of the precincts would be done consecutively.

Ms. Johnson-Wynn indicated that before the recount began Mr. Anders requested that the recount of each precinct be conducted consecutively instead of simultaneously. She informed that the recount of each precinct was conducted consecutively.

Board action on agenda item: Chair Palmer requested a motion regarding challenge #1. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision, as they were able to accommodate Mr. Anders request. The motion was adopted unanimously by a voice vote.

Challenge #2 – Dearborn AV precinct# 23

“Seal number did not match, unconstitutional”

Team Decision – Not recountable, due to seal number on the container not matching the number recorded in the poll book.

Libby Busdicker, Corporation Counsel, advised the Board that according to MCL 168.871 1(a) which states a precinct is not recountable if, “The seal on the transfer case or other ballot container is broken or bears a different number than that recorded on the poll book, the breaking or discrepancy is not explained to the satisfaction of the board of canvassers, and security of the ballots has not been otherwise preserved.”

Board action on agenda item: Chair Palmer requested a motion regarding challenge #2. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team's decision that the precinct was not recountable. The motion was adopted unanimously by a voice vote.

Challenge #3 – Dearborn Election Day precinct# 23

“Unconstitutional to not recount based on human error”

Team Decision – Not recountable, due to seal number on the container not matching the number recorded in the poll book.

Ms. Busdicker, reiterated to the Board that according to MCL 168.871 1(a) which states a precinct is not recountable if, “The seal on the transfer case or other ballot container is broken or bears a different number than that recorded on the poll book, the breaking or discrepancy is not explained to the satisfaction of the board of canvassers, and security of the ballots has not been otherwise preserved.”

Board action on agenda item: Chair Palmer requested a motion regarding challenge #3. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to uphold the team’s decision that the precinct was not recountable. The motion was adopted unanimously by a voice vote.

Agenda Item:**Recount Certification – Office of Prosecuting Attorney (Republican), Wayne County**

Chair Palmer requested a report regarding the recount. Deputy Director Redmond indicated that staff had concluded the recount for the Office of Prosecuting Attorney, Wayne County. She advised that staff recounted one precinct, two precincts were not recountable, and during the recount Mr. Anders had requested to withdraw Plymouth Township AV precinct 7. Ms. Redmond asked Mr. Anders if he wanted to state the withdrawal on the record. Mr. Anders agreed and he requested that the recount for Plymouth Township AV 7 be withdrawn.

Ms. Redmond presented the Board with the Recount Statement of Precincts and the Recount Calculation Worksheet for their review.

Chair Palmer read the following recount results into the record:

Candidate	Certified Results	Recount Results
Shane Anders	0	2

Board action on agenda item: Chair Palmer requested a motion for certification of the recount results as read into the record. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to certify the recount statement of precincts as read into the record for

the Office of Prosecuting Attorney, Republican Party, County of Wayne. The motion was adopted unanimously by a voice vote.

Chair Palmer asked if staff could tabulate the updated total votes for the race. Ms. Redmond asked if she was referring to the certified results after canvass and the recounted results from today. Chair Palmer indicated yes. Ms. Redmond asked for a brief recess to gather that information.

****Meeting recessed at 3:26 p.m. ****

****Meeting resumed at 3:30 p.m. ****

Chair Palmer asked if there was an update. Deputy Director Redmond stated that according to the certified results Mr. Anders received nine (9) votes and today during the recount he gained an additional two (2) votes, for a total of 11 votes.

Chair Palmer asked for Mr. Anders to be provided the updated information. Vice-Chair Kinloch asked since the Board certified the recount does the recount numbers meet the statutory requirements to be nominated to the General Election.

Ms. Redmond indicated that according to the statute, Mr. Anders meets the first threshold according to the requirements but he does not meet the greatest of the three prong threshold for nomination. Ms. Redmond deferred to Director Mahar for further information on the threshold

Director Mahar indicated that staff reached out to the secretary of State's office for clarification of whether the write-in threshold was applicable in this matter being that no candidate was printed on the ballot for this office. The state advised that the threshold formula did apply in this case. He also advised that the Secretary's office clarified that the voting district in this matter is the County of Wayne since it is a county-wide office.

Director Mahar read the following into the record: (MCL 168.582) Under the vote threshold formula, the number of votes received by the write-in candidate must equal the greater of the following:
1)10 votes.

2).15 of 1% (.0015) of the total population, as reflected by the last official federal census, of the district represented by the office sought by the write-in candidate.

3) Apply following only if write-in candidate seeks nomination to an office for which only one candidate is to be elected: 5% (.05) of the greatest number of votes cast under the write-in candidate's party for all candidates running for any office for which only one candidate is to be elected within the district represented by the office sought by the write-in candidate."

Director Mahar indicated that Mr. Anders has met the first threshold by receiving eleven (11) votes, which is more than the ten (10) votes as stated in the formula. He further stated the second threshold is .15 of 1% of the total population, as reflected by the last official federal census, of the district represented by the office sought by the write-in candidate. He indicated the population according to the last census for Wayne County was $1,820,584 \times (0.0015) = 2,730.876$ which is greater than the 11 votes Mr. Anders received. He lastly stated that Mr. Anders does meet the third threshold either for nomination.

Chair Palmer thanked Mr. Mahar for the report.

Agenda Item: New business.

Vice-Chair Kinloch asked if there was any follow-up regarding the staffing levels for the County Board of Canvassers. Director Mahar indicated that the Vice-Chair did reach out to the office regarding grant funding that was being made available for the November Election. Director Mahar informed the Board that the Clerk's office would be applying for the grant for additional staff and equipment needs.

Vice-Chair Kinloch thanked staff and the assistants for all their hard work and the report provided by staff after the conclusion of the August canvass.

Agenda Item: Public Comment. None

Agenda item: Adjournment.

Board action on agenda item: Chair Palmer requested a motion to adjourn. Vice-Chair Kinloch, duly supported by Member Hartmann, moved to adjourn the meeting.

Meeting adjourned at 3:38 p.m.

PROPOSED